

No. 18 - 170

In the Supreme Court of the United States

JOHN A. GENTRY, PETITIONER

v.

THE TENNESSEE BOARD OF JUDICIAL CONDUCT;
STATE OF TENNESSEE; et al, RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES
COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITION FOR REHEARING

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PETITION FOR REHEARING

Pursuant to Sup. Ct. R. 44.2, Petitioner John Anthony Gentry, respectfully petitions this Court for order (1) granting rehearing, (2) vacating the Court's October 1, 2018, order denying certiorari, (3) re-disposing of this case by granting the petition for a writ of certiorari, vacating judgment and remanding for further proceedings, and (4) granting the Motion To Disqualify Justices and respective Clerks **or** Affirming Impartiality, (5) issuing Declaratory Judgment regarding unconstitutional state statutes detailed in concurrently filed motion.

This Court, with this case, has been presented an opportunity like no other seating of Justices before; to affect a great healing upon this nation by reaffirming the enforceability of a right of due process and providing accountability for bad actor judges and attorneys. Not since our declaration of independence from Great Britain, have the people been so subjected to despotism and a complete failure in an ability to enforce constitutionally guaranteed rights. Petitioner asserts that this Court has the duty and supervisory power necessary to reinstitute and protect constitutionally guaranteed rights.

As grounds for this petition for rehearing, petitioner states the following:

A. OATH OF OFFICE

According to this Court's website, Justices of this court presently take oath pursuant to 5 U.S. Code § 3331 - Oath of office. *non est arctius vinculum inter homines quam jusjurandam*

This Court has in its discretion to decide what cases the Court chooses to hear, except in cases

requiring the Court to “*support and defend the Constitution*” against domestic enemy. Respectfully, in such cases, the Court has no choice but to hear and decide the case, except in violation of oath of office.

Petitioner respectfully implores this Honorable Court, to not interpret this assertion of grounds for rehearing as an accusation against the Court. It is plausible, given the number of cases disposed on October 1, 2018, that the Justices were not provided proper attention necessary to this matter. Herein, Petitioner merely desires to emphasize the fundamental and keystone elements of our judicature and republic at question, requiring adherence to oath of office.

In this present matter before the Court, Petitioner respectfully implores this Court to consider whether or not the Court would be in violation of oath of office by denying certiorari in this case. Due to the fact that petitioner did not previously make argument, nor present “oath of office” as “substantial grounds not previously presented” for granting certiorari, Petitioner respectfully presents this concern as substantial grounds required by Sup. Ct. R. 44.2. See further discussion below, affirming why the Court’s oath of office requires granting review.

Moreover, U.S. Const. Art VI states:

...and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Undisputed facts evidenced in the record, prove that Respondent Judge Joe H. Thompson, Circuit Court Judge, Sumner County, Tennessee, in

conspiracy with the other Respondents, repeatedly and grossly violated Petitioner's constitutionally guaranteed rights and perpetrated crimes against him under color of law. There is no doubt that lower federal court judges wrongfully dismissed and affirmed dismissal of Petitioners causes of action so as to protect Respondents' misconduct as evidenced in Petitioner's appendixes to his petition for writ of certiorari that have been "**selectively excluded**" from the online public record of this Court. Knowing these facts, evidences that Respondents are domestic enemies of the Constitution, and it is highly probable that Respondent Judge Joe H. Thompson, and judges like him, will further perpetrate rights violations and crimes under color law due to the unenforceability of constitutionally guaranteed rights and U.S.C. statutes against bad actor judges and persons in public trust (attorneys).

Respectfully, Petitioner asks this Court: Does the oath of office taken by each Justice, require granting certiorari to "***support and defend the Constitution of the United States against all enemies, foreign and domestic***" in such a case as this?

B. MOTION TO DISQUALIFY

Pursuant to 28 U.S.C. § 455(a), Petitioner respectfully, and for good cause, properly motioned for all Supreme Court Justices and their respective Clerk's to disqualify, or in the alternative, affirm and/or evidence their impartiality due to facts strongly suggesting personal bias in favor of the Defendants (*sic*, Respondents). Petitioner's motion was clearly entered into the record **before judgment**.

Petitioner's Motion To Disqualify remains pending and has neither been granted nor denied.

Hereto are **substantial grounds** not previously presented, as well as an **intervening circumstance**, as required by Sup. Ct. R. 44.2.. Due to the fact that this court denied motion to expedite in Case No. 18-170, and the further fact that this Court neither granted nor denied Motions to Disqualify or alternative motions to affirm impartiality, plausibly establishes that Petitioner has been subjected to a biased Court and denied fair due process.

28 U.S. Code § 455 - Disqualification of justice, judge, or magistrate judge subparagraph (a) states:

Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

Petitioner strongly asserts that any jury comprised of twelve (12) rational and reasonable persons, would agree that Petitioner “reasonably questioned” the impartiality of this Court, thus requiring disqualification. Respectfully stated, since § 455 states “**shall disqualify**”, and because Petitioner “reasonably questioned” the impartiality of the Justices and their Clerks, disqualification is not optional but required, or alternatively the Court should have affirmed impartiality as so moved. Due to the fact that this Court neither granted nor denied proper motion to disqualify, and further declined to alternatively affirm impartiality, and did not dispute grounds of motion to disqualify as unreasonable, establishes further grounds for disqualification.

In Petitioners cases before the Court, 18-170 and 17-1479, both denied review on October 1, 2018, Petitioner has presented the Court with profound questions which must be answered. (1) Whether

constitutionally guaranteed rights have been usurped when they are not enforceable? (2) Whether state sovereign immunity is vitiated when its government is no longer republican in character? (3) Whether a citizen has a right to reform his government through federal suit? and (4) Whether attorneys and judges are above the law?

Moreover, Petitioner clearly established in the record that the lower courts intentionally and wrongfully: (1) circumvented the intent of congress, (2) denied due process, (3) engaged in conduct that is impeachable in nature, (4) misapplied Fed. R. Civ. P. with the intent of denying due process, (5) issued ruling on a matter and party not presented to the court, and (6) issued ORDER through a "two-judge" panel in violation of 28 U.S.C. § 46(b). Petitioner has further complained about this Court's Clerk's Office not making available to the public, appendixes to his petition for writ of certiorari that evidence the misconduct of the lower courts.

How possibly can this Court deny review in such cases as these, except due to profound personal bias and an unwillingness to enforce the constitution against bad actor judges and attorneys? Obviously, the judges of the lower courts denied Petitioner fair due process and wrongfully dismissed his causes of action. Undoubtedly, the lower courts wrongfully dismissed and affirmed dismissal of Petitioner's cases so as to protect the criminal and unconstitutional conduct of the Respondents that occurred in state court proceedings. To not grant review in such a case as this is to sanction the misconduct of the lower courts, and holds Respondents above the supreme law of the land.

C. DEVASTATING IMPACT OF CORRUPTED COURT PROCEEDINGS

As required in Sup. Ct. R. 44.2 grounds for rehearing are limited to intervening circumstances, or to other substantial grounds not previously presented. However, there are rare cases such as this one before the Court, where further elucidation is necessary for this court to make proper determination on taking jurisdiction, as stated by Robertson and Kirkham as follows:

“There will always remain, of course, the rare case in which a further elucidation of questions involved or of the jurisdiction of the Supreme Court will succeed for the first time in demonstrating that the case is one in which the Court should exercise its extraordinary certiorari jurisdiction”¹

The conduct of the Respondents in these cases financially and emotionally destroyed both parties in the state trial court case that gave rise to these proceedings: (1) a promising business destroyed, (2) a profitable patent pending product (with distributors in the U.K. and Australia) also destroyed, (3) the “prevailing party” forced into bankruptcy and unable to financially care for her children. These unfortunate results of corrupted state court proceedings further resulted in lost jobs in Tennessee and foreign nations, as well as

¹ Quoting from Robertson and Francis Kirkham. Jurisdiction of the Supreme Court of the United States. St. Paul, MN: West Pub. Co., Kansas City, MO: Vernon Law Book Company, 1936 (p. 553)

adversely affected businesses in the states of California and Washington. Specialized equipment costing hundreds of thousands of dollars, purchased to manufacture the patent pending product, now lay idle.

These unfortunate circumstances are not unique to this case. In this case, the parties to the original proceedings only suffered financially and emotionally. Corrupted state court proceedings often lead to suicide, substance abuse and sometimes even vigilante justice against bad actor judges, attorneys and other state officials. Recently in the State of Arizona, eight (8) bad actor persons were the victims of vigilante justice in a single rampage.

As stated by our current President:

Human rights abuse and corruption undermine the values that form an essential foundation of stable, secure, and functioning societies; have devastating impacts on individuals; weaken democratic institutions; degrade the rule of law; perpetuate violent conflicts; facilitate the activities of dangerous persons; and undermine economic markets.

Executive Order Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption, December 21, 2017

Let us not pretend that corrupted state court proceedings are not the single most important civil rights issue of our time. Petitioner implores this Court to address this matter head on and with the utmost of haste. As stated above, this Court today, in granting review and hearing this case, has an opportunity to affect a great healing upon our nation.

Children are being trafficked through our courts for financial gain and sexual perversions. Families are being financially devastated through vexatious litigation, affecting future generations with long-term adverse effects. Parents and children are being emotionally devastated creating generations of dysfunctional persons. Perjury statutes are selectively enforced to perpetuate vexatious litigation. This must stop and it is within this Court's power to effect such change.

Perhaps due to the efforts of this Petitioner, the lower courts have recognized the need for change from within. Unfortunately, the legal profession has proven time and again that it is incapable of self-governance. Thomas Jefferson forewarned us of the unfortunate circumstances we find ourselves in today. In 1821 Thomas Jefferson stated:

The germ of dissolution of our federal government is in the constitution of the federal judiciary; an irresponsible body, working like gravity by night and by day, gaining a little to-day & a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, ..., it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated.

National Archives: Letter from Thomas Jefferson to C. Hammond, August 18, 1821

D. INTENTIONAL AND WRONGFUL DISMISSAL

In the panel decision intentionally and wrongfully affirming dismissal of causes of action against Respondents Taylor and Lankford, the entire decision affirming dismissal is reflected two sentences as follows:

As with his claims against Perky, Gentry has not plausibly alleged that a conspiracy existed or that Taylor's and Lankford's acts establish the necessary predicate acts of racketeering. Accordingly, we affirm the district court's dismissal of Gentry's claims against Taylor and Lankford. See Petition for Writ of Certiorari, Appendix C, page 40a

Petitioner complains that this was an intentionally false statement made by the Sixth Circuit Panel, or at minimum, evidences judicial ineptitude. Petitioner not only "plausibly alleged" conspiracy and established "the necessary predicate acts of racketeering" and conspiracy to interfere with rights (§ 1985), **Mr. Gentry effectively proved his case in his Second Amended Verified Complaint.** Moreover, the panel's decision does not affirm dismissal of all claims against Respondents Taylor and Lankford.

A case such as this, should not have been affirmed dismissal with a single false statement. **Attached as Appendix A to this petition for rehearing, is Petitioner's Second Amended Verified Complaint proving the false statement of the Sixth Circuit Panel.** Knowing a Sixth Circuit Panel made a false statement affirming dismissal for the apparent purpose of protecting unconstitutional and criminal conduct, requires review by this Court. To

not grant review is to sanction such misconduct of the lower courts, effectively aiding and abetting rights violations and federal crimes.

E. UNCONSTITUTIONAL STATE STATUTES

Petitioner properly challenged repugnant and unconstitutional state statutes that removed deterrent and enabled the crimes and rights violations perpetrated against him, and statutes that provide unconstitutional immunities and statutes of limitations. The unconstitutional state statutes that provide unconstitutional statute of limitations were relied upon partly as basis for dismissal.

Making determination as to whether state statutes are repugnant to the U.S. Constitution is one of the primary jurisdictions of this Court.

“... in exercising that certiorari jurisdiction the Court desires to be at fault in taking jurisdiction rather than to be at fault in rejecting it”²

Respectfully, in such a case as presented here, Petitioner asserts this Court should desire to be at fault in taking jurisdiction rather than to be at fault in rejecting it. During proceedings, Petitioner challenged state statutes presented as defense as being repugnant to our federal constitution. These repugnant statutes provide false immunities, remove deterrent from criminal and unconstitutional conduct, and unconstitutionally remove federal

² Quoting from Robertson and Francis Kirkham. Jurisdiction of the Supreme Court of the United States. St. Paul, MN: West Pub. Co., Kansas City, MO: Vernon Law Book Company, 1936 (p. 542)

jurisdiction of federal statutes. 28 U.S.C. § 1257 states:

(a) ... or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

Under such circumstance, with such issues presented, this our highest Court should desire to take proper jurisdiction.

F. UNALIENABLE & INDEFEASABLE RIGHT TO REFORM

Tenn. Const. Art. I, § 1 states that Petitioner has an unalienable indefeasible right to reform his government in such manner as he may think proper.

Pursuant to U.S. Constitution, Art. IV, § 1 and U.S. Constitution, Art. IV, § 2, "full faith and credit" and "privileges and immunities" clauses: public acts (constitutions), rights, privileges, and immunities extend to the persons of the several states and federal jurisdiction, including this Court.

Since Tenn. Const. Art. I, § 1 states that Petitioner's right to reform his government is unalienable and indefeasible, Petitioner respectfully asks this Court whether his unalienable and indefeasible right has been violated by this Court through denial of Certiorari providing substantial grounds not previously presented.

In the case *Luther v. Borden*, 48 US 1, 12 L. Ed. 581, 12 L. Ed. 2d 581 - Sup Ct, 1849 it was determined that under U.S. Const. Art IV §4:

Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. (at 42)

In this present matter, Petitioner does not seek review as to whether or not the government of Tennessee is republican in form. The undeniable facts that: (1) citizens of Tennessee have no means to address grievances against the state, (2) attorneys and judges are held above the law, (3) the state has enacted constitutionally repugnant statutes that corrupt due process, provide false immunities, and grant special privilege/emolument, and (4) constitutionally guaranteed rights are unenforceable, prove the state is no longer republican in character or form.

Regardless of whether or not this Court is inclined to agree the government of Tennessee has forsaken its republican character, **the fact remains that Petitioner has an unalienable and infeasible right to seek reform in such manner as he may think proper and such right should not be denied without proper consideration.**

As previously stated, in the case, *Marbury v. Madison*, 5 US 137, 2 L. Ed. 60, 2 - Sup. Ct. 1803, quoting Blackstone: "*it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit, or action at law,...*" (at 163)

In the case, *Pacific States Telephone & Telegraph Co. v. Oregon*, 223 US 118, 32 - Sup. Ct., 1912, the supreme court stated:

... to afford no method of testing the rightful character of the state government, would be to render people of a particular State hopeless in case of a wrongful government. (at 146)

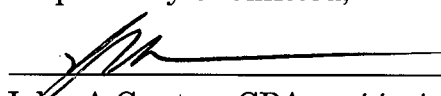
CONCLUSION

For the foregoing reasons, Petitioner John Anthony Gentry implores that this Court (1) grant rehearing of the order denying certiorari, (2) vacate the Court's October 1, 2018, order denying certiorari, (3) grant the petitions for a writs of certiorari, vacate judgment, and remand for further proceedings, (4) grant the Motion To Disqualify Justices and respective Clerks or Affirm Impartiality, (5) issue Declaratory Judgment regarding unconstitutional state statutes.

Petitioner further refers the Court to related Sup. Ct. Case No. 17-1479, also petitioned for rehearing, and respectfully requests consolidation.

DATED: October 15, 2018

Respectfully submitted,



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CERTIFICATE OF PETITIONER

I John Anthony Gentry, hereby certify that
this petition for rehearing is presented in good faith
and not for delay and is restricted to the grounds
specified in Rule 44.2.



John A Gentry

**Additional material
from this filing is
available in the
Clerk's Office.**